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Attorney for Plaintiff Shen Engineers, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

SHEN ENGINEERS, INC., a Utah Corporation,

Plaintiff,

vs.

RICHARD BRIGHTON, an individual, d/b/a
BRIGHTON ARCHITECTURAL GROUP,

Defendant.

**PLAINTIFF'S MOTION FOR
LEAVE TO FILE SECOND
AMENDED COMPLAINT
AND
JURY DEMAND**

Case No. 2:22-cv-00624-CMR

Judge Cecilia M. Romero

Comes now Plaintiff Shen Engineers, Inc. ("Shen") and moves for leave to file the Second Amended Complaint. Since the filing of the First Amended Complaint, Shen has received registration certificates for additional copyright registrations which had not been granted when the First Amended Complaint was filed. Therefore, the allegations have been updated to include the additional copyright registrations which have been copied by Mr. Brighton.

Additionally, Shen has learned that Mr. Brighton was receiving \$5,000.00 reuse fees from his client for each reuse of Brighton's architectural plans, while Brighton photocopied Shen's engineering drawings and failed to pay Shen's reuse fees. Thus, the Second Amended

Complaint addresses Mr. Brighton's failure to pay reuse fees when he was receiving reuse payments from his client.

The decision to liberally grant leave to amend "reflects the basic policy that pleadings should enable a claim to be heard on its merits." *Calderon v. Dan. Dep't. of Social & Rehab. Servs.*, 181 F.3d 1180, 1186 (10th Cir. 1999).

The Second Amended Complaint is timely, as today is that last day for file for amended pleadings. Plaintiff has been gathering information in support of its case and obtaining the necessary copyright registration certificates. Moreover, Defendant is not prejudiced as discovery is ongoing and Defendant has yet to serve any discovery requests on Plaintiff.

DATED: April 10, 2023.

BATEMAN IP

/s/ Randall B. Bateman

Randall B. Bateman

299 South Main Street, Suite 1300
Salt Lake City, UT 84111

Attorney for Plaintiff Shen Engineers, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **PLAINTIFF'S MOTION
FOR LEAVE TO FILE SECOND AMENDED COMPLAINT AND JURY DEMAND**

on counsel for Defendant via email as follows on April 10, 2023:

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